

Richard Dorsey, Nelson Norris and Eliza his wife, John Dorsey, Caleb Dorsey, and John Hood and Louisa his wife, against Mary **536** \*Dorsey, Achsah Dorsey, Hanson Dorsey, Henry Dorsey, and Septimus Dorsey, all of whom were infants. The bill states, that Richard Dorsey sold to the plaintiff Etchison a tract of land containing ninety acres, delivered to him the possession, and received a part of the purchase money, leaving a balance of three hundred dollars still due; after which Richard Dorsey the vendor died intestate, leaving the plaintiffs Caroline, Mortimer, Richard, Eliza, John, Caleb, and Louisa, with the infant defendants, his children and heirs-at-law; that the plaintiff Mortimer had been appointed administrator of the personal estate of his father the late Richard. Whereupon the plaintiffs prayed, that the defendants might be required to join in a conveyance of the land sold on the purchase money being paid, &c. The infant defendants answered by guardian and submitted to such decree as might be deemed equitable, &c.

BLAND, C., 15th October, 1827.—Decreed, that on payment by the complainant Ephraim Etchison of the sum of three hundred dollars with the interest due thereon to Mortimer Dorsey administrator of Richard Dorsey deceased, or on bringing the same into this Court to be paid to him, being the balance of the purchase money due as stated in the bill; that the other plaintiffs Odle Wheeler, &c., for themselves, and that Ann Dorsey, as guardian on behalf of the infant defendants, shall by a good deed to be executed according to law, convey to the plaintiff Ephraim Etchison, &c. Provided nevertheless, that liberty be and the same is hereby reserved to the infant defendants to shew cause according to the Act of 1773, ch. 7.

After which the plaintiff Mortimer Dorsey by his petition alleged, that the plaintiff Etchison had refused to pay the balance of the purchase money as required by this decree; although the other parties then were and had always been ready to execute the conveyance as directed. Whereupon he prayed, that Etchison might be ordered to pay, &c.

BLAND, C., 19th February, 1829.—The foregoing petition of Mortimer Dorsey having been submitted, the same, with the other proceedings, were read and considered.

On a bill for specific performance, where it appeared by the case admitted or established, that each party was bound to pay money or to perform some act for the benefit of the other, the Court, by the ancient practice, could only decree in favor of the plaintiff, leaving the defendant to obtain that to which he was entitled by a